

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICOOCT 12 2022 *SL*MITCHELL R. ELFERS
CLERKJoseph Bresch #71755509
Name2000 Cibola loop milan nm 87020
AddressUNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICOJoseph michael bresch #71755509
(Full Name) PlaintiffCASE NO. 22cv759 DHU-JFR
(To be supplied by the Clerk)

v.

, Defendant(s)
#1 Cibola county correctional center
#2, C/O R. PineCIVIL RIGHTS COMPLAINT
PURSUANT TO 42 U.S.C. §1983

A. JURISDICTION

1) Joseph Bresch #71755509, is a citizen of New Mexico
(Plaintiff) (State)
who presently resides at Cibola county correctional center
(Mailing address or place of confinement)
2000 Cibola loop milan NM 870202) Defendant R. Pine is a citizen of
(Name of first defendant)
Grants/milan New Mexico, and is employed as
(City, State)
correctional officer. At the time the claim(s)
(Position and title, if any)
alleged in this complaint arose, was this defendant acting under color of state law?
Yes ☐ No ☒ If your answer is "Yes", briefly explain:

- 3) Defendant Cibola County Correctional Center is a citizen of
 (Name of second defendant)
milan New Mexico, and is employed as
 (City, State)
Correctional Center. At the time the claim(s)
 (Position and title, if any)
 alleged in this complaint arose, was this defendant acting under color of state.
 Yes ☐ No ☒ If your answer is "Yes", briefly explain:

(Use the back of this page to furnish the above information for additional defendants.)

- 4) Jurisdiction is invoked pursuant to 28 U.S.C. §1343(3), 42U.S.C. §1983. (If you wish to assert Jurisdiction under different or additional statutes, you may list them below.)

B. NATURE OF THE CASE

- 1) Briefly state the background of your case.

On-09-21-22 at Around 7:30-8:00 AM I WAS ASSAULTED ON CRAMA

at Cibola County Correctional by officer C/O R. Pine in the manner of
 Physical Assault and Sexual Assault C/O R. Pine GRABED ME SLAMMED ME AGAINST
 MY DOOR FRAME WHILE IN S00 Cpod #105 the R. Pine SPIT IN MY FACE
 PUSHED INTO MY CELL AND ADVANCED INTO MY CELL I WAS SCARED SO I
 HURK HIM IN DISTANCE THE HE TWISTED ME PUNCHING ME THE GRABED MY
 PINE'S RIPPING SKIN OFF MY PINE'S. THEN I WAS REFUSED PAPER
 MEDICAL TREATMENT AS WELL AS PSYCHAL TREATMENT FOR OVER 3 DAYS.
 C/O R. Pine IS ON ADMINISTRATIVE LEAVE RIGHT NOW AND IT IS UNDER
 INVESTIGATION. THERE IS VIDEO AS WELL AS DOCUMENTATION BY NURSE
 PROVING MEDICAL TREATMENT FOR THE INCIDENT AS WELL AS DOCUMENTATION
 FOR THE PHYSICAL ABUSE AND SEXUAL ASSAULT BY NURSE DAVE.

C. CAUSE OF ACTION

- 1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary, you may attach up to two additional pages (8 1/2" x 11") to explain any allegation or to list additional supporting facts.

A)(1) Count I: TO Be Free from Sexual Assault:

Sexual Assault / Physical Assault

(2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

BY ~~C/O R. Pine~~ ON 09-21-2022 at around 7:30 - 8:00 AM while on fear we were ~~told~~ to lock down for count. I was on the phone and C/O R. Pine could control to cut off the phones I asked him why he would do that he told me to lock the F*** down so I did he then followed me to my cell leaving NO space between us. Once in my cell I turned around and told him to give me space he then grabbed me spit on my face and through me in my cell then he rushed me punching me through the out of my cell then ~~said~~ you think you got big nuts GRABED my penis and balls pulling and twisting them passing skin to be torn off my penis.
B)(1) Count II:
Excessive Force and Abuse of Power on a Inmate.

(2) Supporting Facts:

ON 09-21-22 at around 7:30-8:00 AM I was stand against my door frame spit on in my face through in my cell and punched on numerous times by C/O R. Pine. On CRAMA then he grabbed my pinces ripping skin off. while saying you think you have big balls you little bitch.

C)(1) Count III:

SEXUAL ASSAULT

(2) Supporting Facts:

ON 09-21-22 at Around 7:30-8:00 AM I WAS SEXUALLY ASSAULTED BY C/O R. PINE BY HIM GRABING MY PINKIES AND BAILS PULLING THEM EXTREMELY HARD WITH SUCH FORCE HE RIPPED SKIN OFF MY PINKIES WHILE HE WAS PULLING ON MY PINKIES HE SAID ~~WAS~~ YOU THINK YOU GOT BIG BARS YOU LITTLE BITCH

D) PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment?

Yes ☐ No ☒ If your answer is "YES", describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

a) Parties to previous lawsuit.

Plaintiffs: _____

Defendants: _____

b) Name of court and docket number:

c) Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

d) Issues raised: _____

e) Approximate date of filing lawsuit: _____

f) Approximate date of disposition: _____

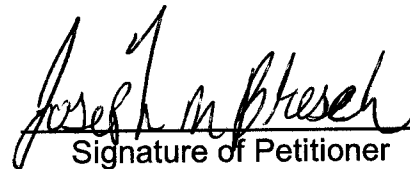
- 2) I have previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C. Yes ☐ No ☐ If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No," briefly explain why administrative relief was not sought.

E. REQUEST FOR RELIEF

- 1) I believe that I am entitled to the following relief:

\$500,000.00 and cp R.Pine to Be Fired And NEVER
~~Be~~ Be Retireable at any facility

Signature of Attorney (if any)



Signature of Petitioner

Attorney's full address and telephone
number.

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. Sec. 1746. 18 U.S.C. Sec. 1621.

Executed at Cibola County Correctional Center on 10-10 2022
(Location) (Date)

Joseph M. Bresch
(Signature)

Joseph Bregala #717 55509
2000 Cibola Loop
Milan NM, 87020

RECEIVED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

OCT 12 2022

MITCHELL R. ELFERS
CLERK

US District Court
District Of New Mexico
Pete V. Domenici U.S. Courthouse
333 Lomas Blvd NW, Suite 270
Albuquerque, NM, 87102

